

BOARD OF SUPERVISORS

Brown County



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PHONE (920) 448-4015 FAX (920) 4

LAND CONSERVATION SUBCOMMITTEE

Norbert Dantine, Jr., Chair
Dave Kaster, Vice Chair
Bernie Erickson, Dave Landwehr,
Tom Sieber, Jeff Ronsman

LAND CONSERVATION SUBCOMMITTEE

Monday, October 17, 2016

5:30 p.m. (PD&T to follow)

**Room 161, Ag & Extension Service Center
1150 Bellevue Street**

**** NOTE TIME – Also, Please Bring Budget Book **
(Combined Budget & Regular meeting)**

NOTICE IS HEREBY GIVEN THAT THE COMMITTEE MAY TAKE ACTION ON
ANY ITEM LISTED ON THE AGENDA

- I. Call Meeting to Order.
- II. Approve/Modify Agenda.
- III. Approve/modify minutes of Land Conversation Subcommittee of September 26, 2016.

BUDGET REVIEW

REVIEW OF 2017 DEPARTMENT BUDGET

1. **Land and Water Conservation** – Review of 2017 department budget.

Non-Budget Items

1. Variance Request by Kyle Rentmeester to allow for an animal waste storage facility to be constructed within the 250' setback requirement.
2. Budget Adjustment (16-90): Reallocation of more than 10% of the funds original appropriated between any of the levels of appropriation.
3. Resolution to Approve City of De Pere Resolution No. 16-95, Entitled Resolution Authorizing Brown County to Enforce Chapter 26, Brown County Ordinances Relating to Animal Waste Management within De Pere City Limits.
4. Director's Report.
 - a. Dynamic selected as contractor for the Brown County Community Digester Feasibility Study.

Other

2. Such other matters as authorized by law.
3. Adjourn.

Norb Dantine, Jr., Chair

Notice is hereby given that action by the Committee may be taken on any of the items which are described or listed in this agenda. Please take notice that it is possible additional members of the Board of Supervisors may attend this meeting, resulting in a majority or quorum of the Board of Supervisors. This may constitute a meeting of the Board of Supervisors for purposes of discussion and information gathering relative to this agenda.

PROCEEDINGS OF THE BROWN COUNTY
LAND CONSERVATION SUBCOMMITTEE

Pursuant to Section 18.94 Wis. Stats., a regular meeting of the **Brown County Land Conservation Subcommittee** was held on Monday, September 26, 2016 in Room 116, UW Extension, 1150 Bellevue Street, Wisconsin.

Present: Supervisors Norbert Dantine, Bernie Erickson, Dave Kaster, Dave Landwehr, Tom Sieber,
Absent: Citizen Rep Jeff Ronsman
Also Present: County Conservationist Mike Mushinski, Assistant County Conservationist Jon Bechle and other interested parties.

**Audio of the meeting is available by contacting the County Board office (920) 448-4015.*

I. Call Meeting to Order.

The meeting was called to order by Chairman Dantine at 6:00 p.m.

II. Approve/Modify Agenda.

Motion made by Supervisor Kaster, seconded by Supervisor Landwehr to approve. Vote taken.

MOTION CARRIED UNANIMOUSLY

III. Approve/Modify Minutes of August 22, 2016.

Motion made by Supervisor Erickson, seconded by Supervisor Sieber to approve. Vote taken.

MOTION CARRIED UNANIMOUSLY

Comments from the Public None.

1. Departmental Openings Summary.

County Conservationist Mike Mushinski informed that the same Agronomist position was open, it looked promising for 2017 to have this position on staff.

Motion made by Supervisor Sieber, seconded by Supervisor Kaster to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

2. Land Conservation Budget Status Financial Report for August 2016 (unaudited).

Motion made by Supervisor Erickson, seconded by Supervisor Kaster to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

3. Approval of Land & Water Resource Management Plan - *provided in August.*

Mushinski informed that no one showed up to the Public Hearing held prior to this meeting. This had to go before the January County Board for approval as it went before DATCP in December for approval.

Motion made by Supervisor Sieber, seconded by Supervisor Landwehr to approve and forward to the January County Board. Vote taken. MOTION CARRIED UNANIMOUSLY

4. Director's Report:

a. Manure spreading in Village of Bellevue.

Kaster informed it was already being spread. Asst County Conservationist Jon Bechle stated Kaster was right, near the end of August there was spreading and complaints. Their office

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received a complaint from a nearby homeowner. All farmers were required to follow a nutrient management plan and there were restrictions and setbacks in the plan; that was the first thing they looked at. Staff from their department went out, looked at the field and observed the applications. There was a stream of waterway that went through and the homeowner was concerned, they had a private well. They looked at the maps that were provided by the farm. His well was not identified on the maps. The setback/separation from the well requirement was 100'. It was measured off and it was in excess of 100'. Even though it wasn't on the map, the restriction was adhered to. They looked at the stream; there were setbacks from that as well. They did not apply manure and that was the setback requirement that manure was not applied. They did work the field but the manure was surfaced applied so they had tankers out there. The manure was applied on the surface and they went back and incorporated it, they worked the field after that. It had been planted; it was in alfalfa now so it was cleared about three or four weeks ago. They did receive complaints and they did the follow up. There were complaints about the odor and traffic and they were not within the nutrient management end of it but were public health or nuisance type issues. Mushinski informed that one of the accusations were that there was human waste in it too. They did follow-up with the farm that it came from and there was no human waste mixed into the lagoon. Kaster interjected that there could be. Mushinski stated that the farm stated there was not, which they checked into. Some of the correspondence they just got from DATCP too was that it was not allowable to be in Grade A or B. Whether the hauler did it per the accusation, they don't know, that would be the next check. The farm was one entity, the hauler was the other. The farm contracted with the hauler to haul manure. They hadn't been able to verify there had been human waste spread there.

Kaster informed it was complicated because someone else owned the land from where the waste was coming and someone else was hauling it. Dantine and Landwehr believed that was pretty common. Kaster added that there was another area behind Costco that was of concern. It did say in the 590 that the plan had to abide by local laws also so they were looking at coming up with a law that was more restrictive where they couldn't spread in certain areas. They could spread again 30 days after the first time and then again 45 days later. Mushinski informed that according to the nutrient management plan they were going to be able to put on so many gallons a year so they may be split or one time applications.

Mushinski informed that Kewaunee County did implement irrigation bans, they found out the Town of Scott did also. In Kewaunee County the Town of Lincoln, Montpelier, Ahnapee and West Kewaunee all had bans on spray irrigating manure. Bechle informed there was a request by Ponderosa Dairy to have some fields approved for spray irrigation under their last permit. It was on Kewaunee County fields, closest to the dairy. They do operate some lands in Brown County. These townships banned spray irrigation, not spreading it. Kewaunee told Mushinski that they were able to ban spreading because it was linked to public health with the groundwater.

Sieber believed the townships that did the ban on the irrigation spreading were on the karst region and Bellevue wasn't in that area. His district had 10-12 farms in it and the solution was having them monitor farms within the City of Green because no one was doing it there and Suamico was shortly thereafter. He remembered the conversation being that they moved there so they had to deal with it. His backyard butted up to a corn field and they spread manure on there. If they followed the rules, so be it. Farms were there long before Costco and Target; he wasn't sure where the conversation was going. He was sticking with what they came up with a few years ago and wouldn't support anything heavier if it was a County Board decision. Mushinski stated it would be a local Bellevue decision.

It was Landwehr's understanding that Land Cons ability to enforce or such would only be up to

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what the county's codes would be. If the village did something different, that was the villages deal and let them enforce that. Mushinski agreed unless they had an agreement that they had the relationship that they would go out and enforce those types of regulations.

**Motion made by Supervisor Erickson, seconded by Supervisor Landwehr to receive and place on file.
Vote taken. MOTION CARRIED UNANIMOUSLY**

Other

5. Such Other Matters as Authorized by Law. None.

6. Adjourn.

**Motion made by Supervisor Sieber, seconded by Supervisor Landwehr to adjourn at 6:13 p.m. Vote Taken.
MOTION CARRIED UNANIMOUSLY.**

Respectfully submitted,

Alicia A. Loehlein
Recording Secretary

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BUDGET ADJUSTMENT REQUEST

Category

- ☐ 1 Reallocation from one account to another in the same level of appropriation
- ☐ 2 Reallocation due to a technical correction that could include:
- Reallocation to another account strictly for tracking or accounting purposes
 - Allocation of budgeted prior year grant not completed in the prior year
- ☐ 3 Any change in any item within the Outlay account which does not require the reallocation of funds from another level of appropriation
- ☐ 4 Any change in appropriation from an official action taken by the County Board (i.e. resolution, ordinance change, etc.)
- ☐ 5 a) Reallocation of up to 10% of the originally appropriated funds between any levels of appropriation (based on lesser of originally appropriated amounts)
- ☒ 5 b) Reallocation of more than 10% of the funds original appropriated between any of the levels of appropriation.
- ☐ 6 Reallocation between two or more departments, regardless of amount
- ☐ 7 Any increase in expenses with an offsetting increase in revenue
- ☐ 8 Any allocation from a department's fund balance
- ☐ 9 Any allocation from the County's General Fund

Approval Level

Dept Head

Director of Admin

County Exec

County Exec

Admin Committee

Oversight Comm^{ew}
2/3 County Board

Oversight Comm
2/3 County Board

Oversight Comm
2/3 County Board

Oversight Comm
2/3 County Board

Oversight Comm
Admin Committee
2/3 County Board

Justification for Budget Change:

The Land & Water Conservation Department would like to use staff personnel cost savings to purchase an additional vehicle (Chevy Equinox or similar). The personnel savings is a one-time saving due to a vacant position to be filled in early 2017.

Amount: \$22,800

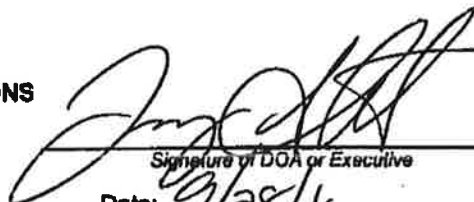
Increase	Decrease	Account #	Account Title	Amount
<input type="checkbox"/>	<input checked="" type="checkbox"/>	100.048.001.5100	Regular Earnings	\$22,800
<input checked="" type="checkbox"/>	<input type="checkbox"/>	100.048.001.6110.100	Outlay (\$5,000+)	\$22,800
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			


Signature of Department Head

Department: Land & Water Conservation

Date: 9/19/16

AUTHORIZATIONS


Signature of DOA or Executive

Date: 9/28/16

November 2, 2016

TO THE HONORABLE CHAIRMAN AND MEMBERS
OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

**RESOLUTION TO APPROVE CITY OF DE PERE RESOLUTION NO. 16-95, ENTITLED
RESOLUTION AUTHORIZING BROWN COUNTY TO ENFORCE CHAPTER 26, BROWN
COUNTY ORDINANCES RELATING TO ANIMAL WASTE MANAGEMENT WITHIN DE PERE
CITY LIMITS**

WHEREAS, Brown County ("County") has adopted Chapter 26 of the Brown County Code of Ordinances ("Code"), entitled "Brown County Animal Waste Management Ordinance" ("Ordinance"), to regulate, through the County's Land Conservation Department, the design construction, abandonment and maintenance of animal waste storage facilities, animal feedlots, and nutrient management within unincorporated areas of the County, as well as incorporated areas of the County that have delegated such authority to the County; and,

WHEREAS, the City of De Pere ("City"), an incorporated area of the County, desires to have the design, construction, abandonment and maintenance of animal waste storage facilities, animal feedlots and nutrient management regulated within its City limits; and,

WHEREAS, the City, not having enacted an ordinance similar to the County's Ordinance, believes it would be in the public interest to have the County, exclusively, through its Land Conservation Department, enforce said Ordinance within its City limits; and,

WHEREAS, as such, on September 6, 2016, the City adopted Resolution No. 16-95, a copy of which is attached hereto and incorporated herein by reference, delegating to the County, per Wis. Stat., § 59.03(2) and County Code § 26.06, the authority to enforce its Ordinance within the City limits, contingent upon the County adopting a Resolution to accept said delegation; and,

NOW, THEREFORE, BE IT RESOLVED THAT by the Brown County Board of Supervisors that the County does hereby elect to assume the City's delegation of authority to the County to enforce, through its Land Conservation Department, the Brown County Animal Waste Management Ordinance as set forth in Chapter 26 of the Brown County Code, within the City of De Pere's municipal limits.

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Respectfully submitted,
PLANNING, DEVELOPMENT &
TRANSPORTATION COMMITTEE

Approved by:

COUNTY EXECUTIVE (Date)

COUNTY CLERK (Date)

COUNTY BOARD CHAIR (Date)

Authored by: Brown County Interim Corporation Counsel

Final Draft Approved by Corporation Counsel

Fiscal Note: This resolution does not require an appropriation from the General Fund. The projected enforcement cost is \$132 per year and is funded through the Soil and Water Resource Management Staffing Grant.

COUNTY EXECUTIVE (Date)

COUNTY CLERK (Date)

COUNTY BOARD CHAIR (Date)

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LAND AND WATER CONSERVATION

Brown County

1150 BELLEVUE ST.
GREEN BAY, WI 54302

MIKE MUSHINSKI

PHONE (920) 391-4620 FAX (920) 391-4632 WEB: www.co.brown.wi.us

COUNTY CONSERVATIONIST

RESOLUTION/ORDINANCE SUBMISSION TO COUNTY BOARD

DATE: September 27, 2016
REQUEST TO: Land Conservation Committee
MEETING DATE: October 17, 2016
REQUEST FROM: Mike Mushinski
County Conservationist

REQUEST TYPE: ☒ New resolution ☐ Revision to resolution
☐ New ordinance ☐ Revision to ordinance

TITLE: RESOLUTION TO APPROVE CITY OF DE PERE RESOLUTION NO. 16-95, ENTITLED RESOLUTION AUTHORIZING BROWN COUNTY TO ENFORCE CHAPTER 26, BROWN COUNTY ORDINANCES RELATING TO ANIMAL WASTE MANAGEMENT WITHIN DE PERE CITY LIMITS

ISSUE/BACKGROUND INFORMATION:

The City of De Pere has requested that Brown County Land & Water Conservation Department administer Chapter 26 of the Brown County Code of Ordinances entitled "Brown County Animal Waste Management Ordinance" within the city limits. This ordinance regulates the design construction, abandonment and maintenance of animal waste storage facilities, animal feedlots, and nutrient management within unincorporated areas of the County, as well as incorporated areas of the County that have delegated authority to the County.

ACTION REQUESTED:

Approve the request by the City of De Pere for enforcement of Chapter 26 within the city limits of De Pere.

FISCAL IMPACT:

NOTE: This fiscal impact portion is initially completed by requestor, but verified by the DOA and updated if necessary.

1. Is there a fiscal impact? ☒ Yes ☐ No
 - a. If yes, what is the amount of the impact? \$132
 - b. If part of a bigger project, what is the total amount of the project? \$_____
 - c. Is it currently budgeted? ☐ Yes ☒ No
 1. If yes, in which account?
 2. If no, how will the impact be funded? It will be funded through the DATCP Soil & Water Resource Management Staffing Grant.

☒ COPY OF RESOLUTION OR ORDINANCE IS ATTACHED



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RESOLUTION 16-95

AUTHORIZING BROWN COUNTY TO ENFORCE CHAPTER 26,
BROWN COUNTY ORDINANCES RELATING TO ANIMAL WASTE
MANAGEMENT WITHIN DE PERE CITY LIMITS

WHEREAS, the City desires to protect and promote the area's agricultural industry as well as to promote and enhance the aesthetic conditions and general welfare of the people of De Pere; and

WHEREAS, as a result, the City desires to have the design, construction, abandonment and maintenance of animal waste storage facilities, animal feed lots and nutrient management regulated within its city limits; and

WHEREAS, Brown County has adopted Chapter 26 of the Brown County Code of Ordinances ("County Code"), entitled "Brown County Animal Waste Management Ordinance" (hereinafter "Ordinance"), a copy of which is attached hereto as Exhibit 1 and incorporated herein by reference, to regulate, through its Land Conservation Department, the design, construction, abandonment and maintenance of animal waste storage facilities, animal feedlots, and nutrient management within unincorporated areas of Brown County and incorporated areas of Brown County that have delegated such authority to Brown County; and


WHEREAS, the City, not having enacted an ordinance similar thereto, believes it would be in the public interest to have Brown County, exclusively, through its Land Conservation Department, enforce said Ordinance within its city limits, and thus, is requesting, per Wis. Stats. § 59.03(2) and County Code § 26.06, that Brown County elect to assume such function through adoption of a resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE
CITY OF DE PERE THAT:

The City of De Pere hereby delegates to Brown County, pursuant to Wis. Stats.
§ 59.03(2) and County Code § 26.06, the authority to enforce Brown County
Animal Waste Management Ordinance within its city limits upon the Brown
County Board of Supervisor's adoption of a resolution electing to assume the
same.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 6th day of
September, 2016.

APPROVED:


Michael J. Walsh, Mayor

ATTEST:


Shana D. Ledvina, Clerk-Treasurer

Ayes: 8

Nays: 0